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Blue River Seafood, Inc.  
Safe Coast Seafoods, LLC, and  
Safe Coast Seafoods Washington, LLC*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

BRAND LITTLE, and ROBIN BURNS,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiff,

v.

PACIFIC SEAFOOD PROCUREMENT, LLC;  
PACIFIC SEAFOOD PROCESSING, LLC;  
PACIFIC SEAFOOD FLEET, LLC; PACIFIC  
SEAFOOD DISTRIBUTION, LLC; PACIFIC  
SEAFOOD USA, LLC; DULCICH, INC.;  
PACIFIC SEAFOOD EUREKA, LLC;  
PACIFIC SEAFOOD CHARLESTON, LLC;  
PACIFIC SEAFOOD – WARRENTON, LLC;  
PACIFIC SEAFOOD – NEWPORT, LLC;  
PACIFIC SEAFOOD – BROOKINGS, LLC,  
PACIFIC SEAFOOD – WESTPORT, LLC;  
PACIFIC SURIMI – NEWPORT, LLC; BLUE  
RIVER SEAFOOD, INC.; SAFE COAST  
SEAFOODS, LLC; SAFE COAST SEAFOODS  
WASHINGTON, LLC; OCEAN GOLD

Case No. 23-cv-01098-AGT

**ANSWER TO SECOND AMENDED  
CLASS ACTION COMPLAINT BY  
DEFENDANTS BLUE RIVER SEAFOOD,  
INC., SAFE COAST SEAFOODS, LLC,  
AND SAFECOAST SEAFOODS  
WASHINGTON, LLC**

**DEMAND FOR JURY TRIAL**

1 SEAFOODS, INC.; NOR-CAL SEAFOOD,  
2 INC.; AMERICAN SEAFOOD EXP, INC.;  
3 CALIFORNIA SHELLFISH COMPANY, INC.;  
4 ROBERT BUGATTO ENTERPRISES, INC.;  
5 ALASKA ICE SEAFOODS, INC.; LONG  
6 FISHERIES, INC.; CAITO FISHERIES, INC.;  
7 CATIO FISHERIES, LLC; SOUTHWIND  
8 FOODS, LLC; FISHERMEN'S CATCH, INC.;  
9 GLOBAL QUALITY FOODS, INC.; GLOBAL  
10 QUALITY SEAFOOD LLC; OCEAN KING  
11 FISH, INC.; BORNSTEIN SEAFOODS, INC.;  
12 ASTORIA PACIFIC SEAFOODS, LLC; and  
13 DOES 30-60,

Defendants.

Defendants Blue River Seafood, Inc., Safe Coast Seafoods, LLC, and Safe Coast Seafoods Washington, LLC (together “Blue River”) answer Plaintiffs’ Second Amended Complaint as follows. Unless expressly admitted, Blue River denies the allegations in each Paragraph. To the extent headings are deemed to be substantive allegations to which an answer is required, Blue River denies the allegations. To the extent footnotes, screenshots or other images, charts, graphs, or figures in the are deemed to be substantive allegations, then the response to the paragraph in which the footnote or figure is found is Blue River’s response to the footnote, chart, graph or figure as well.

### INTRODUCTION

1. Blue River admits there currently are more than 1,000 independent commercial crabbers licensed to land Dungeness crab in California, coastal Washington, including Puget Sound, and Oregon. Blue River further admits that Plaintiff Brand Little is a crabber and that Plaintiff Robin Burns was married to a crabber, Kenny Burns. Blue River lacks knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 1 and accordingly denies them.

2. Blue River lacks knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 2 and accordingly denies them.

3. Blue River admits that the “ex vessel price” means the price off the boat. Blue River denies the other allegations in Paragraph 3.

4. Blue River denies the allegations in Paragraph 4.

5. Blue River denies the allegations in Paragraph 5.

6. Blue River denies the allegations in Paragraph 6.

7. Blue River denies the allegations in Paragraph 7.

8. Blue River denies the allegations in Paragraph 8 and each of its subparagraphs.

9. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 9 and accordingly denies them.

10. The allegations in Paragraph 10 contain legal conclusions to which no response is required. To the extent a response is required, Blue River denies the allegations in Paragraph 10.

11. To the extent an answer is required, Blue River denies the allegations in Paragraph 11.

**PARTIES**

12. Blue River denies that it engaged in any “unfair and illegal anticompetitive activities.” Blue River lacks knowledge or information sufficient to admit or deny other allegations in Paragraph 12 and on that basis denies them.

13. Blue River denies that it engaged in any “unfair and illegal anticompetitive activities.” Blue River lacks knowledge or information sufficient to admit or deny other allegations in Paragraph 13 and on that basis denies them.

14. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 14 and accordingly denies them.

15. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 15 and accordingly denies them.

16. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 16 and accordingly denies them.

17. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 17 and accordingly denies them.

18. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 18 and accordingly denies them.

19. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 19 and accordingly denies them.

20. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 20 and accordingly denies them.

21. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 21 and accordingly denies them.

22. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 22 and accordingly denies them.

23. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 23 and accordingly denies them.

1           24.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 24 and accordingly denies them.

3           25.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
4 in Paragraph 25 and accordingly denies them.

5           26.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
6 in Paragraph 26 and accordingly denies them.

7           27.     The allegations in Paragraph 27 contain legal conclusions to which no response is  
8 required. To the extent a response is required, Blue River denies the allegations in Paragraph 27.

9           28.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
10 in Paragraph 28 and accordingly denies them.

11          29.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
12 in Paragraph 29 and accordingly denies them.

13          30.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
14 in Paragraph 30 and accordingly denies them.

15          31.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
16 in Paragraph 31 and accordingly denies them.

17          32.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
18 in Paragraph 32 and accordingly denies them.

19          33.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
20 in Paragraph 33 and accordingly denies them.

21          34.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
22 in Paragraph 34 and accordingly denies them.

23          35.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
24 in Paragraph 35 and accordingly denies them.

25          36.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph 36 and accordingly denies them.

27          37.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
28 in Paragraph 37 and accordingly denies them.

1 38. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 38 and accordingly denies them.

3 39. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
4 in Paragraph 39 and accordingly denies them.

5 40. Blue River admits the allegations in Paragraph 40.

6 41. Blue River admits the allegations in Paragraph 41.

7 42. Blue River admits the allegations in Paragraph 42.

8 43. Blue River admits the allegations in Paragraph 43.

9 44. Blue River admits that Pucci Foods purchased out of receivership the assets of Jessie's  
10 Ilwaco Fish Co. Inc., Alber Seafoods, Inc., and Alber Enterprises, Inc., including the name "Jessie's  
11 Ilwaco Fish Company," in late 2020, and that it has done business under the names Safe Coast, Safe  
12 Coast Seafood, Safe Coast Seafood WA, Jessie's Ilwaco Fish, Pucci Foods, and Pucci. Otherwise,  
13 Blue River denies the allegations in Paragraph 44.

14 45. Blue River admits that it has paid for ex vessel purchases with checks from Pucci  
15 Foods. Blue River lacks knowledge or information sufficient to admit or deny the other allegations in  
16 Paragraph 45 and accordingly denies them.

17 46. Blue River admits that Max Boland serves as a General Manager of Safe Coast, that  
18 Mr. Boland previously worked for Alber Seafood, and that Blue River acquired the assets of Alber  
19 Seafood out of receivership at the end of 2020. Blue River denies Alber Seafood is its predecessor in  
20 interest and denies the remaining allegations of Paragraph 46.

21 47. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
22 in Paragraph 47 and accordingly denies them.

23 48. Blue River admits it started purchasing crab through Safe Coast in Ilwaco, WA, in  
24 2021. Blue River lacks knowledge or information sufficient to admit or deny the remaining  
25 allegations in Paragraph 48 and accordingly denies them.

26 49. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
27 in Paragraph 49 and accordingly denies them.

1           50.     Blue River admits that it made ex vessel purchases of Dungeness crab in Crescent City  
2 and San Francisco, California through Safe Coast Seafood, LLC, starting in 2021. Blue River lacks  
3 knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 50 and  
4 accordingly denies them.

5           51.     Blue River admits it made ex vessel purchases of Dungeness crab in Ilwaco, Nahcotta,  
6 Bay Center, Chinook, and Westport, Washington, and Newport and Astoria, Oregon through Safe  
7 Coast Seafood Washington, LLC, starting in 2021. Blue River lacks knowledge or information  
8 sufficient to admit or deny the remaining allegations in Paragraph 51 and accordingly denies them.

9           52.     The allegations in Paragraph 52 contain legal conclusions to which no response is  
10 required.

11          53.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
12 in Paragraph 53 and accordingly denies them.

13          54.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
14 in Paragraph 54 and accordingly denies them.

15          55.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
16 in Paragraph 55 and accordingly denies them.

17          56.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
18 in Paragraph 56 and accordingly denies them.

19          57.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
20 in Paragraph 57 and accordingly denies them.

21          58.     The allegations in Paragraph 58 contain legal conclusions to which no response is  
22 required.

23          59.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
24 in Paragraph 59 and accordingly denies them.

25          60.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph 60 and accordingly denies them.

27          61.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
28 in Paragraph 61 and accordingly denies them.

62. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 62 and accordingly denies them.

63. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 63 and accordingly denies them.

64. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 64 and accordingly denies them.

65. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 65 and accordingly denies them.

66. The allegations in Paragraph 66 contain legal conclusions to which no response is required.

67. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 67 and accordingly denies them.

68. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 68 and accordingly denies them.

69. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 69 and accordingly denies them.

70. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 70 and accordingly denies them.

71. The allegations in Paragraph 71 contain a legal conclusion and accordingly no response is required.

72. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 72 and accordingly denies them.

73. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 73 and accordingly denies them.

74. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 74 and accordingly denies them.

75. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 75 and accordingly denies them.



1           76.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 76 and accordingly denies them.

3           77.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
4 in Paragraph 77 and accordingly denies them.

5           78.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
6 in Paragraph 78 and accordingly denies them.

7           79.     The allegations in Paragraph 79 contain legal conclusions to which no response is  
8 required.

9           80.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
10 in Paragraph 80 and accordingly denies them.

11          81.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
12 in Paragraph 81 and accordingly denies them.

13          82.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
14 in Paragraph 82 and accordingly denies them.

15          83.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
16 in Paragraph 83 and accordingly denies them.

17          84.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
18 in Paragraph 84 and accordingly denies them.

19          85.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
20 in Paragraph 85 and accordingly denies them.

21          86.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
22 in Paragraph 86 and accordingly denies them.

23          87.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
24 in Paragraph 87 and accordingly denies them.

25          88.     The allegations in Paragraph 88 contain legal conclusions to which no response is  
26 required.

27          89.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
28 in Paragraph 89 and accordingly denies them.

1           90.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 90 and accordingly denies them.

3           91.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
4 in Paragraph 91 and accordingly denies them.

5           92.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
6 in Paragraph 92 and accordingly denies them.

7           93.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
8 in Paragraph 93 and accordingly denies them.

9           94.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
10 in Paragraph 94 and accordingly denies them.

11          95.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
12 in Paragraph 95 and accordingly denies them.

13          96.     The allegations in Paragraph 96 contain legal conclusions to which no response is  
14 required.

15          97.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
16 in Paragraph 97 and accordingly denies them.

17          98.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
18 in Paragraph 98 and accordingly denies them.

19          99.     Blue River lacks knowledge or information sufficient to admit or deny the allegations  
20 in Paragraph 99 and accordingly denies them.

21          100.    Blue River lacks knowledge or information sufficient to admit or deny the allegations  
22 in Paragraph 100 and accordingly denies them.

23          101.    The allegations in Paragraph 101 contain legal conclusions to which no response is  
24 required.

25          102.    Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph and accordingly denies them.

27          103.    Blue River lacks knowledge or information sufficient to admit or deny the allegations  
28 in Paragraph 103 and accordingly denies them.

1           104. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 104 and accordingly denies them.

3           105. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
4 in Paragraph 105 and accordingly denies them.

5           106. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
6 in Paragraph 106 and accordingly denies them.

7           107. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
8 in Paragraph 107 and accordingly denies them.

9           108. The allegations in Paragraph 108 contain legal conclusions to which no response is  
10 required.

11           109. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
12 in Paragraph 109 and accordingly denies them.

13           110. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
14 in Paragraph 110 and accordingly denies them.

15           111. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
16 in Paragraph 111 and accordingly denies them.

17           112. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
18 in Paragraph 112 and accordingly denies them.

19           113. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
20 in Paragraph 113 and accordingly denies them.

21           114. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
22 in Paragraph 114 and accordingly denies them.

23           115. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
24 in Paragraph 115 and accordingly denies them.

25           116. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph 116 and accordingly denies them.

27           117. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
28 in Paragraph 117 and accordingly denies them.

1 118. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 118 and accordingly denies them.

3 119. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
4 in Paragraph 119 and accordingly denies them.

5 120. The allegations in Paragraph 120 contain legal conclusions to which no response is  
6 required.

7 121. The allegations in Paragraph 121 contain legal conclusions to which no response is  
8 required.

9 122. Blue River denies the allegations in Paragraph 122.

10 123. Blue River denies the allegations in Paragraph 123.

11 124. Blue River denies the allegations in Paragraph 124.

12 125. Blue River denies the allegations in Paragraph 125.

13 126. The allegations in Paragraph 126 contain legal conclusions to which no response is  
14 required. To the extent a response is required, Blue River denies the allegations in Paragraph 126

15 127. The allegations in Paragraph 1247 contain legal conclusions to which no response is  
16 required. To the extent a response is required, Blue River denies the allegations in Paragraph 127.

17 128. The allegations in Paragraph 128 contain legal conclusions to which no response is  
18 required. To the extent a response is required, Blue River denies the allegations in Paragraph 128.

19 129. Blue River denies the allegations in Paragraph 129.

20 130. Blue River denies the allegations in Paragraph 130.

21 **JURISDICTION, VENUE, AND COMMERCE**

22 131. The allegations in Paragraph 131 contain legal conclusions to which no response is  
23 required. To the extent a response is required, Blue River admits that the Court has subject matter  
24 jurisdiction to the extent Plaintiffs have suffered an injury cognizable under Article III of the United  
25 States Constitution.

26 132. The allegations in Paragraph 132 contain legal conclusions to which no response is  
27 required. To the extent a response is required, Blue River admits the Court has personal jurisdiction  
28

1 over it but denies the remaining allegations in Paragraph 132, including that Plaintiffs suffered  
2 antitrust injury.

3 133. The allegations in Paragraph 133 contain legal conclusions to which no response is  
4 required. To the extent a response is required, Blue River admits that venue in this District is  
5 appropriate.

6 134. Blue River denies the allegations in Paragraph 134.

7 135. Blue River denies the allegations in Paragraph 135.

### 8 **INTRADISTRICT ASSIGNMENT**

9 136. The allegations in Paragraph 136 contain legal conclusions to which no response is  
10 required. To the extent a response is required, Blue River admits that assignment of this case to the  
11 San Francisco Division of the United States District Court for the Northern District of California is  
12 proper.

### 13 **FACTUAL ALLEGATIONS**

14 137. Blue River admits that Dungeness crab is a species of shellfish found in the Pacific  
15 Ocean and fished for human consumption. Otherwise, Blue River denies the allegations in Paragraph  
16 137.

17 138. Blue River admits that: Dungeness crab is enjoyed fresh by consumers along the West  
18 Coast, including during holidays, and that a portion of the catch is also exported live to Asian  
19 markets, particularly China, but also Korea, Vietnam and other countries. Otherwise, Blue River  
20 denies the allegations in Paragraph 138.

21 139. Blue River admits commercial Dungeness crab fishing requires a permit, known in  
22 California as a “registration,” which is tied to a specific vessel. Blue River further admits that the  
23 Dungeness crab fishery is what is known as a “derby” fishery because there are no quotas and  
24 crabbers are permitted to catch as many Dungeness crabs as they can during the season. Otherwise,  
25 Blue River denies the allegations in Paragraph 139.

26 140. Blue River admits that the Dungeness crab season for most of the Pacific NW Areas  
27 has in the past opened on December 1, unless delayed. Pacific Seafood further admits that, unless  
28

1 delayed, the season for commercial crab fishing in California’s District 10 has in the past started on  
2 November 15. Otherwise, Pacific Seafood denies the allegations in Paragraph 140.

3 141. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
4 in Paragraph 141 and accordingly denies them.

5 142. Blue River admits the allegations in Paragraph 142.

6 143. Blue River admits the allegations in Paragraph 143.

7 144. Blue River admits that it and other buyers resell Dungeness crab either live, fresh  
8 cooked, in sections, frozen, or canned. Otherwise, Blue River denies the allegations in Paragraph  
9 144.

10 145. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
11 in Paragraph 145 and accordingly denies them.

12 146. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
13 in Paragraph 146 and accordingly denies them.

14 147. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
15 in Paragraph 147 and accordingly denies them.

16 148. Blue River admits that Bornstein, Caito, Hallmark, Ocean Gold, Pacific Seafood, and  
17 Safe Coast are members of the West Coast Seafood Processors Association (“WCSPA”) and that  
18 WCSPA is a seafood industry trade association whose members operate in Washington, Oregon and  
19 California. Otherwise, Blue River denies the allegations in Paragraph 148.

20 149. Blue River denies the allegations in Paragraph 149.

21 150. Blue River denies the allegations in Paragraph 150.

22 151. Blue River denies the allegations in Paragraph 151.

23 152. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
24 in Paragraph 152 and accordingly denies them.

25 153. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph 153 and accordingly denies them.

27 154. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
28 in Paragraph 154 and accordingly denies them.

1  
2 155. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
3 in Paragraph 155 and accordingly denies them.

4 156. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
5 in Paragraph 156 and accordingly denies them.

6 157. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
7 in Paragraph 157 and accordingly denies them.

8 158. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
9 in Paragraph 158 and accordingly denies them.

10 159. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
11 in Paragraph 159 and accordingly denies them.

12 160. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
13 in Paragraph 160 and accordingly denies them.

14 161. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
15 in Paragraph 161 and accordingly denies them.

16 162. Blue River admits that the ex vessel price received by a crabber for a load of crab can  
17 soon be widely known among other fisherman who may then use that information to negotiate with the  
18 same or different buyers to purchase their catches. Otherwise, Blue River denies the allegations in  
19 Paragraph 162.

20 163. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
21 in Paragraph 163 and accordingly denies them.

22 164. Blue River denies the allegations in Paragraph 164.

23 165. Blue River denies that it entered into any unlawful agreement with other ex vessel  
24 buyers. Blue River lacks knowledge or information sufficient to admit or deny the other allegations  
25 in Paragraph 165 and accordingly denies them.

26 166. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
27 in Paragraph 166 and accordingly denies them.  
28

1 167. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 167 and accordingly denies them.

3  
4 168. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
5 in Paragraph 168 and accordingly denies them.

6 169. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
7 in Paragraph 169 and accordingly denies them.

8 170. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
9 in Paragraph 170 and accordingly denies them.

10 171. Blue River denies the allegations in Paragraph 171.

11 172. Blue River denies the allegations in Paragraph 172.

12 173. Blue River denies the allegations in Paragraph 173.

13 174. Blue River denies the allegations in Paragraph 174.

14 175. Blue River denies the allegations in Paragraph 175.

15 176. Blue River denies the allegations in Paragraph 176.

16 177. Blue River denies the allegations in Paragraph 177.

17 178. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
18 in Paragraph 178 and accordingly denies them.

19 179. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
20 in Paragraph 179 and accordingly denies them.

21 180. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
22 in Paragraph 180 and accordingly denies them.

23 181. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
24 in Paragraph 181 and accordingly denies them.

25 182. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph 182 and accordingly denies them.

27 183. Blue River denies the allegations in Paragraph 183.

28 184. Blue River denies the allegations in Paragraph 184.



1 185. Blue River denies the allegations in Paragraph 185.

2 186. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
3 in Paragraph 186 and accordingly denies them.

4 187. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
5 in Paragraph 187 and accordingly denies them.

6 188. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
7 in Paragraph 188 and accordingly denies them.

8 189. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
9 in Paragraph 189 and accordingly denies them.

10 190. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
11 in Paragraph 190 and accordingly denies them.

12 191. Blue River denies the allegations in Paragraph 191.

13 192. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
14 in Paragraph 192 and accordingly denies them.

15 193. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
16 in Paragraph 193 and accordingly denies them.

17 194. Blue River denies the allegations in Paragraph 194.

18 195. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
19 in Paragraph 195 and accordingly denies them.

20 196. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
21 in Paragraph 196 and accordingly denies them.

22 197. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
23 in Paragraph 197 and accordingly denies them.

24 198. Blue River denies the allegations in Paragraph 198.

25 199. Blue River denies the allegations in Paragraph 199.

26 200. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
27 in Paragraph 200 and accordingly denies them.

201. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 201 and accordingly denies them.

202. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 202 and accordingly denies them.

203. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 203 and accordingly denies them.

204. Blue River denies it entered any agreement with other Defendants to refuse to offer an opening price. Otherwise, Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 204 and accordingly denies them.

205. Blue River denies it entered any agreement with other Defendants to refuse to offer an opening price. Otherwise, Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 205 and accordingly denies them.

206. Blue River admits that the California Department of Fish and Wildlife announced that the Dungeness crab season for California ports would open on December 31, 2022. Blue River denies it entered any agreement with other Defendants to refuse to offer an opening price. Otherwise, Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 206 and accordingly denies them.

207. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 207 and accordingly denies them.

208. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 208 and accordingly denies them.

209. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 209 and accordingly denies them.

210. Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 210 and accordingly denies them.

211. Blue River the existence of any price-fixing agreement with other Defendants. Otherwise, Blue River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 211 and accordingly denies them.

1           212. Blue River the existence of any price-fixing agreement with other Defendants.  
2 Otherwise, Blue River lacks knowledge or information sufficient to admit or deny the allegations in  
3 Paragraph 212 and accordingly denies them.

4           213. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
5 in Paragraph 213 and accordingly denies them.

6           214. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
7 in Paragraph 214 and accordingly denies them.

8           215. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
9 in Paragraph 215 and accordingly denies them.

10          216. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
11 in Paragraph 216 and accordingly denies them.

12          217. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
13 in Paragraph 217 and accordingly denies them.

14          218. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
15 in Paragraph 218 and accordingly denies them.

16          219. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
17 in Paragraph 219 and accordingly denies them.

18          220. Blue River the existence of any price-fixing agreement with other Defendants.  
19 Otherwise, Blue River lacks knowledge or information sufficient to admit or deny the allegations in  
20 Paragraph 220 and accordingly denies them.

21          221. Blue River denies the allegations in Paragraph 221.

22          222. Blue River the existence of any price-fixing agreement with other Defendants. Blue  
23 River admits that the quoted language (except for the bracketed material) is taken from a text from  
24 Mr. Boland, but otherwise denies the allegations in Paragraph 221.

25          223. Blue River the existence of any price-fixing agreement with other Defendants. Blue  
26 River admits that the quoted material is taken from a text from Mr. Boland, but otherwise denies the  
27 allegations in Paragraph 223.  
28

1           224. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 224 and accordingly denies them.

3           225. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
4 in Paragraph 225 and accordingly denies them.

5           226. Blue River admits that its representatives attended the “2023 Dungeness Crab Price  
6 Negotiations” organized by the Oregon Department of Agriculture at the Embarcadero Resort Hotel  
7 & Marina in Newport, Oregon, on December 10 and 11, 2023, and that representatives of sellers,  
8 buyers, and government officials were present. Otherwise, Blue River denies the allegations in  
9 Paragraph 226.

10           227. Blue River admits that its representatives attended the “2023 Dungeness Crab Price  
11 Negotiations” organized by the Oregon Department of Agriculture at the Embarcadero Resort Hotel  
12 & Marina in Newport, Oregon, on December 10 and 11, 2023, and that representatives of sellers,  
13 buyers, and government officials were present. Otherwise, Blue River denies the allegations in  
14 Paragraph 227.

15           228. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
16 in Paragraph 228 and accordingly denies them.

17           229. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
18 in Paragraph 229 and accordingly denies them.

19           230. Blue River denies the allegations in Paragraph 230.

20           231. Blue River denies the allegations in Paragraph 231.

21           232. Blue River denies the allegations in Paragraph 232.

22           233. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
23 in Paragraph 233 and accordingly denies them.

24           234. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
25 in Paragraph 234 and accordingly denies them.

26           235. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
27 in Paragraph 235 and accordingly denies them.  
28

1           236. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 236 and accordingly denies them.

3           237. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
4 in Paragraph 237 and accordingly denies them.

5           238. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
6 in Paragraph 238 and accordingly denies them.

7           239. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
8 in Paragraph 239 and accordingly denies them.

9           240. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
10 in Paragraph 240 and accordingly denies them.

11           241. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
12 in Paragraph 241 and accordingly denies them.

13           242. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
14 in Paragraph 242 and accordingly denies them.

15           243. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
16 in Paragraph 243 and accordingly denies them.

17           244. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
18 in Paragraph 244 and accordingly denies them.

19           245. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
20 in Paragraph 245 and accordingly denies them.

21           246. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
22 in Paragraph 246 and accordingly denies them.

23           247. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
24 in Paragraph 247 and accordingly denies them.

25           248. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph 248 and accordingly denies them.

27           249. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
28 in Paragraph 249 and accordingly denies them.

1           250. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 250 and accordingly denies them.

3           251. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
4 in Paragraph 251 and accordingly denies them.

5           252. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
6 in Paragraph 252 and accordingly denies them.

7           253. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
8 in Paragraph 253 and accordingly denies them.

9           254. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
10 in Paragraph 254 and accordingly denies them.

11           255. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
12 in Paragraph 255 and accordingly denies them.

13           256. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
14 in Paragraph 256 and accordingly denies them.

15           257. Blue River denies the allegations in Paragraph 257.

16           258. Blue River denies the allegations in Paragraph 258.

17           259. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
18 in Paragraph 259 and accordingly denies them.

19           260. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
20 in Paragraph 260 and accordingly denies them.

21           261. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
22 in Paragraph 261 and accordingly denies them.

23           262. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
24 in Paragraph 262 and accordingly denies them.

25           263. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph 263 and accordingly denies them.

27           264. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
28 in Paragraph 264 and accordingly denies them.

1           265. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 265 and accordingly denies them.

3           266. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
4 in Paragraph 266 and accordingly denies them.

5           267. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
6 in Paragraph 267 and accordingly denies them.

7           268. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
8 in Paragraph 268 and accordingly denies them.

9           269. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
10 in Paragraph 269 and accordingly denies them.

11           270. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
12 in Paragraph 270 and accordingly denies them.

13           271. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
14 in Paragraph 271 and accordingly denies them.

15           272. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
16 in Paragraph 272 and accordingly denies them.

17           273. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
18 in Paragraph 273 and accordingly denies them.

19           274. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
20 in Paragraph 274 and accordingly denies them.

21           275. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
22 in Paragraph 275 and accordingly denies them.

23           276. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
24 in Paragraph 276 and accordingly denies them.

25           277. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph 277 and accordingly denies them.

27           278. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
28 in Paragraph 278 and accordingly denies them.

1           279. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 279 and accordingly denies them.

3           280. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
4 in Paragraph 280 and accordingly denies them.

5           281. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
6 in Paragraph 281 and accordingly denies them.

7           282. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
8 in Paragraph 282 and accordingly denies them.

9           283. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
10 in Paragraph 283 and accordingly denies them.

11           284. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
12 in Paragraph 284 and accordingly denies them.

13           285. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
14 in Paragraph 285 and accordingly denies them.

15           286. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
16 in Paragraph 286 and accordingly denies them.

17           287. Blue River denies the allegations in Paragraph 287.

18           288. Blue River denies the allegations in Paragraph 288.

19           289. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
20 in Paragraph 289 and accordingly denies them.

21           290. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
22 in Paragraph 290 and accordingly denies them.

23           291. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
24 in Paragraph 291 and accordingly denies them.

25           292. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph 292 and accordingly denies them.

27           293. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
28 in Paragraph 293 and accordingly denies them.



1           294. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 294 and accordingly denies them.

3           295. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
4 in Paragraph 295 and accordingly denies them.

5           296. Blue River denies the allegations in Paragraph 296 .

6           297. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
7 in Paragraph 297 and accordingly denies them.

8           298. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
9 in Paragraph 298 and accordingly denies them.

10          299. Blue River denies the allegations in Paragraph 299.

11          300. Blue River denies the allegations in Paragraph 300.

12          301. Blue River denies the allegations in Paragraph 301.

13          302. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
14 in Paragraph 302 and accordingly denies them.

15          303. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
16 in Paragraph 303 and accordingly denies them.

17          304. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
18 in Paragraph 304 and accordingly denies them.

19          305. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
20 in Paragraph 305 and accordingly denies them.

21          306. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
22 in Paragraph 306 and accordingly denies them.

23          307. Blue River denies the allegations in Paragraph 307.

24          308. Blue River denies the allegations in Paragraph 309.

25          309. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph 309 and accordingly denies them.

27          310. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
28 in Paragraph 310 and accordingly denies them.

1           311. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 311 and accordingly denies them.

3           312. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
4 in Paragraph 312 and accordingly denies them.

5           313. Blue River denies the allegations in Paragraph 313.

6           314. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
7 in Paragraph 314 and accordingly denies them.

8           315. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
9 in Paragraph 315 and accordingly denies them.

10          316. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
11 in Paragraph 316 and accordingly denies them.

12          317. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
13 in Paragraph 317 and accordingly denies them.

14          318. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
15 in Paragraph 318 and accordingly denies them.

16          319. Blue River denies the existence of any cartel. Otherwise, Blue River lacks knowledge  
17 or information sufficient to admit or deny the allegations in Paragraph 319 and accordingly denies  
18 them.

19          320. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
20 in Paragraph 320 and accordingly denies them.

21          321. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
22 in Paragraph 321 and accordingly denies them.

23          322. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
24 in Paragraph 322 and accordingly denies them.

25          323. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph 323 and accordingly denies them.

27          324. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
28 in Paragraph 324 and accordingly denies them.

1           325. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 325 and accordingly denies them.

3           326. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
4 in Paragraph 326 and accordingly denies them.

5           327. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
6 in Paragraph 327 and accordingly denies them.

7           328. Blue River denies the allegations in Paragraph 328.

8           329. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
9 in Paragraph 329 and accordingly denies them.

10          330. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
11 in Paragraph 330 and accordingly denies them.

12          331. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
13 in Paragraph 331, since Plaintiffs' counsel refuses to identify "Confidential Buyer Informant #1," and  
14 for other reasons and accordingly denies them.

15          332. Blue River denies the allegations in Paragraph 332.

16          333. Blue River denies the allegations in Paragraph 333.

17          334. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
18 in Paragraph 334 and accordingly denies them.

19          335. Blue River denies the allegations in Paragraph 335.

20          336. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
21 in Paragraph 336 and accordingly denies them.

22          337. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
23 in Paragraph 337 and accordingly denies them.

24          338. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
25 in Paragraph 338 and accordingly denies them.

26          339. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
27 in Paragraph 339 and accordingly denies them.  
28

1           340. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 340 and accordingly denies them.

3  
4           341. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
5 in Paragraph 341 and accordingly denies them.

6           342. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
7 in Paragraph 342 and accordingly denies them.

8           343. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
9 in Paragraph 343 and accordingly denies them.

10          344. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
11 in Paragraph 344 and accordingly denies them.

12          345. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
13 in Paragraph 345 and accordingly denies them.

14          346. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
15 in Paragraph 346 and accordingly denies them.

16          347. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
17 in Paragraph 347 and accordingly denies them.

18          348. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
19 in Paragraph 348 and accordingly denies them.

20          349. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
21 in Paragraph 349 and accordingly denies them.

22          350. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
23 in Paragraph 350 and accordingly denies them.

24          351. Blue River denies the allegations in Paragraph 351.

25          352. Blue River denies the allegations in Paragraph 352.

26          353. Blue River denies the allegations in Paragraph 353.

1           354. Blue River denies participating in any alleged meeting. Otherwise, Blue River lacks  
2 knowledge or information sufficient to admit or deny the allegations in Paragraph 354 and  
3 accordingly denies them.

4           355. Blue River denies participating in any alleged meeting. Otherwise, Blue River lacks  
5 knowledge or information sufficient to admit or deny the allegations in Paragraph 355 and  
6 accordingly denies them.

7           356. Blue River denies participating in any alleged meeting. Otherwise, Blue River lacks  
8 knowledge or information sufficient to admit or deny the allegations in Paragraph 356 and  
9 accordingly denies them.

10          357. Blue River denies the allegations in Paragraph 357.

11          358. Blue River denies the allegations in Paragraph 358.

12          359. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
13 in Paragraph 359 and accordingly denies them.

14          360. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
15 in Paragraph 360 and accordingly denies them.

16          361. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
17 in Paragraph 361 and accordingly denies them.

18          362. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
19 in Paragraph 362 and accordingly denies them.

20          363. Blue River denies the allegations in Paragraph 363.

21          364. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
22 in Paragraph 364 and accordingly denies them.

23          365. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
24 in Paragraph 365 and accordingly denies them.

25          366. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph 366 and accordingly denies them.

27          367. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
28 in Paragraph 367 and accordingly denies them.

1           368. Blue River denies there is any price-fixing agreement among buyers. Otherwise, Blue  
2 River lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 368  
3 and accordingly denies them.

4           369. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
5 in Paragraph 369 and accordingly denies them.

6           370. Blue River denies the allegations in Paragraph 370.

7           371. Blue River denies the allegations in Paragraph 371.

8           372. Blue River denies the allegations in Paragraph 372.

9           373. Blue River denies the allegations in Paragraph 373.

10          374. Blue River denies the allegations in Paragraph 374.

11          375. Blue River denies the allegations in Paragraph 375.

12          376. Blue River denies the allegations in Paragraph 376.

13          377. Blue River denies the allegations in Paragraph 377.

14          378. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
15 in Paragraph 378 and accordingly denies them.

16          379. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
17 in Paragraph 379 and accordingly denies them.

18          380. The California Department of Fish and Wildlife's landing records speak for  
19 themselves and do not require a response. Otherwise, Blue River lacks knowledge or information  
20 sufficient to admit or deny the allegations in Paragraph 380 and accordingly denies them.

21          381. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
22 in Paragraph 381 and accordingly denies them.

23          382. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
24 in Paragraph 382 and accordingly denies them.

25          383. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph 383 and accordingly denies them.

27          384. Blue River denies the allegations in Paragraph 384.

1           385. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
2 in Paragraph 385 and accordingly denies them.

3           386. Blue River denies any agree-upon cartel price. Otherwise, Blue River lacks  
4 knowledge or information sufficient to admit or deny the allegations in Paragraph 386 and  
5 accordingly denies them.

6           387. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
7 in Paragraph 387 and accordingly denies them.

8           388. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
9 in Paragraph 388 and accordingly denies them.

10          389. Blue River denies the allegations in Paragraph 389.

11          390. Blue River denies the allegations in Paragraph 390.

12          391. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
13 in Paragraph 391 and accordingly denies them.

14          392. Blue River denies the allegations in Paragraph 392.

15          393. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
16 in Paragraph 393 and accordingly denies them.

17          394. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
18 in Paragraph 394 and accordingly denies them.

19          395. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
20 in Paragraph 395 and accordingly denies them.

21          396. Blue River denies the allegations in Paragraph 396.

22          397. Blue River denies the allegations in Paragraph 397.

23          398. Blue River denies the allegations in Paragraph 398.

24          399. Blue River denies the allegations in Paragraph 399.

25          400. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph 400 and accordingly denies them.

27          401. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
28 in Paragraph 401 and accordingly denies them.

1           402. Blue River denies the existence of a cartel or a cartel price. Otherwise, Blue River  
2 lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 402 and  
3 accordingly denies them.

4           403. Blue River denies the allegations in Paragraph 403.

5           404. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
6 in Paragraph 404 and accordingly denies them.

7           405. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
8 in Paragraph 405 and accordingly denies them.

9           406. Blue River denies the allegations in Paragraph 406.

10          407. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
11 in Paragraph 407 and accordingly denies them.

12          408. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
13 in Paragraph 408 and accordingly denies them.

14          409. Blue River denies the existence of any cartel price. Otherwise, Blue River lacks  
15 knowledge or information sufficient to admit or deny the allegations in Paragraph 409 and  
16 accordingly denies them.

17          410. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
18 in Paragraph 410 and accordingly denies them.

19          411. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
20 in Paragraph 411 and accordingly denies them.

21          412. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
22 in Paragraph 412 and accordingly denies them.

23          413. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
24 in Paragraph 413 and accordingly denies them.

25          414. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
26 in Paragraph 414 and accordingly denies them.

27          415. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
28 in Paragraph 415 and accordingly denies them.



1 416. Blue River denies the allegations in Paragraph 416.

2 417. Blue River lacks knowledge or information sufficient to admit or deny the allegations  
3 in Paragraph 417 and accordingly denies them.

4 418. Blue River denies the allegations in Paragraph 418.

5 419. Blue River denies the allegations in Paragraph 419.

6 420. Blue River denies the allegations in Paragraph 420 and each subparagraph.

7 421. Blue River denies the allegations in Paragraph 421.

8 422. Blue River denies the allegations in Paragraph 422.

9 423. Blue River denies the allegations in Paragraph 423.

10 424. Blue River denies the allegations in Paragraph 424.

11 425. The allegations in Paragraph 425 contain legal conclusions to which no response is  
12 required. To the extent a response is required, Blue River denies the allegations in Paragraph 425 and  
13 denies that a class should be certified in this case.

14 426. The allegations in Paragraph 426 contain legal conclusions to which no response is  
15 required. To the extent a response is required, Blue River denies the allegations in Paragraph 426 and  
16 denies that a class should be certified in this case.

17 427. Blue River admits that the Second Amended Complaint purports to exclude from the  
18 alleged putative classes the listed entities and persons but denies that a class should be certified in this  
19 case.

20 428. The allegations in Paragraph 428 contain legal conclusions to which no response is  
21 required. To the extent a response is required, Blue River denies the allegations in Paragraph 429 and  
22 denies that a class should be certified in this case.

23 429. The allegations in Paragraph 429 contain legal conclusions to which no response is  
24 required. To the extent a response is required, Blue River denies the allegations in Paragraph 429 and  
25 denies that a class should be certified in this case.

26 430. The allegations in Paragraph 430 contain legal conclusions to which no response is  
27 required. To the extent a response is required, Blue River denies the allegations in Paragraph 430 and  
28 denies that a class should be certified in this case.

431. The allegations in Paragraph 431 contain legal conclusions to which no response is required. To the extent a response is required, Blue River denies the allegations in Paragraph 431 and denies that a class should be certified in this case.

432. The allegations in Paragraph 432 contain legal conclusions to which no response is required. To the extent a response is required, Blue River denies the allegations in Paragraph 432 and denies that a class should be certified in this case.

433. The allegations in Paragraph 433 contain legal conclusions to which no response is required. To the extent a response is required, Blue River denies the allegations in Paragraph 433 and denies that a class should be certified in this case.

434. The allegations in Paragraph 434 contain legal conclusions to which no response is required. To the extent a response is required, Blue River denies the allegations in Paragraph 434 and denies that a class should be certified in this case.

435. The allegations in Paragraph 435 contain legal conclusions to which no response is required. To the extent a response is required, Blue River denies the allegations in Paragraph and denies that a class should be certified in this case.

436. Blue River denies the allegations in Paragraph 436.

437. Blue River denies the allegations in Paragraph 437.

438. Blue River denies the allegations in Paragraph 438.

439. Blue River denies the allegations in Paragraph 439.

440. Blue River denies the allegations in Paragraph 440.

441. Blue River denies the allegations in Paragraph 441.

442. Blue River denies the allegations in Paragraph 442.

## CLAIMS FOR RELIEF

**FIRST CAUSE OF ACTION**

443. Blue River incorporates its responses to each Paragraph above as if fully herein.

444. Blue River denies the allegations in Paragraph 444.

445. Blue River denies the allegations in Paragraph 445.

446. Blue River denies the allegations in Paragraph 446.

447. Blue River denies the allegations in Paragraph 447.

448. Blue River denies the allegations in Paragraph 448.

449. Blue River denies the allegations in Paragraph 449.

450. Blue River denies the allegations in Paragraph 450.

451. Blue River denies the allegations in Paragraph 451.

452. Blue River denies the allegations in Paragraph 452.

**SECOND CAUSE OF ACTION**

453. Blue River incorporates its response to each Paragraph above as if fully herein.

454. Blue River denies the allegations in Paragraph 454.

455. Blue River denies the allegations in Paragraph 455.

456. Blue River denies the allegations in Paragraph 456.

457. Blue River denies the allegations in Paragraph 457.

458. Blue River denies the allegations in Paragraph 458.

**THIRD CAUSE OF ACTION**

459. Blue River incorporates its responses to each Paragraph above as if fully herein.

460. Blue River denies the allegations in Paragraph 460.

461. Blue River denies the allegations in Paragraph 461.

462. Blue River denies the allegations in Paragraph 462.

463. Blue River denies the allegations in Paragraph 463.

464. Blue River denies the allegations in Paragraph 464.

**FOURTH CAUSE OF ACTION**

465. Blue River incorporates its responses to each Paragraph above as if fully herein.

466. Blue River denies the allegations in Paragraph 466.

**PRAYER FOR RELIEF**

Blue River denies that plaintiffs are entitled certification of a class or any of the relief requested in this section or elsewhere in the Complaint.

**SEPARATE AND ADDITIONAL DEFENSES**

Without admitting the existence of any contract, combination, or conspiracy in restraint of trade, and without assuming any burden of proof that it would not otherwise bear, Blue River asserts the following separate and additional defenses:

**FIRST DEFENSE****(Lack of Standing)**

Plaintiffs lack standing to assert their claims. Among other things, Plaintiffs have not sustained any injury, cognizable damage, or other harm as a result of conduct alleged in the Second Amended Complaint because, among other things, Plaintiffs did not sell Dungeness crab ex vessel to Blue River within the limitations period. Claims of putative class members also fail for lack of standing.

**SECOND DEFENSE****(Lack of Antitrust Injury)**

Plaintiffs' claims are barred, in whole or in part, because Plaintiffs suffered no antitrust injury (i.e., a type of injury that the antitrust laws were intended to remedy). Among other things, Plaintiffs have not sustained any injury, cognizable damage, or other harm as a result of conduct alleged in the Amended Complaint, or any alleged harm is too remote, because, among other things, Plaintiffs did not sell Dungeness crab ex vessel to Blue River within the limitations period, or to any ex vessel purchasers participating in the alleged conspiracy. In addition, Plaintiff Burns has never sold Dungeness crab ex vessel and does not have the legal right to assert claims that may have belonged to her deceased husband. Claims of putative class members also fail for lack of standing.

**THIRD DEFENSE****(State Action Doctrine)**

Plaintiffs' and putative class members' claims are barred, in whole or in part, by immunity granted directly by state law or by the state action doctrine, *see Parker v. Brown*, 317 U.S. 341 (1943). Plaintiffs seek to impose antitrust liability on Blue River based on its participation in meetings that were actively supervised by state agencies pursuant to a clearly articulated and

1 affirmatively expressed state legislative policy to displace competition and allow fishermen and  
2 buyers to bargain and negotiate prices collectively, even though such conduct is immunized by state  
3 and federal law.

#### 4 5 **FOURTH DEFENSE**

##### 6 **(First Amendment and Noerr-Pennington Doctrine)**

7 The claims of the Plaintiffs and putative class members are barred, in whole or in part, insofar  
8 as they challenge the exercise of rights protected by the First Amendment of the United States  
9 Constitution and by the *Noerr-Pennington* doctrine. Plaintiffs allege that Blue River can be liable for  
10 antitrust violations because of its and/or other Defendants' participation in meetings, including  
11 meetings with other buyers or government officials, which as alleged concerned petitioning or  
12 lobbying activities that are immunized by state and federal law.

#### 13 **FIFTH DEFENSE**

##### 14 **(Statute(s) of Limitations)**

15 Plaintiffs' and putative class members' claims are barred, in whole or in part, by the  
16 applicable statute of limitations. Plaintiffs seek to recover damages from January 1, 2016 to the  
17 present. However, Plaintiffs' claims are subject to a four-year statute of limitations, and those claims  
18 accrued at the time Plaintiffs were paid an ex vessel price that they claim was artificially suppressed  
19 as the result of an alleged conspiracy. Accordingly, Plaintiffs' claims based on ex vessel sales that  
20 occurred prior to March 13, 2019 – four years before the original Complaint was filed – are time-  
21 barred.

#### 22 23 **SIXTH DEFENSE**

##### 24 **(Laches/Waiver/Estoppel)**

25 Plaintiffs' and putative class members' claims are barred, in whole or in part, by the doctrines  
26 of laches, waiver, and/or estoppel. Plaintiffs delayed filing this lawsuit for an unreasonable and  
27 inexcusable length of time from the time Plaintiffs knew or reasonably should have known of their  
28 claims against Blue River. Plaintiffs failed to exercise diligence to discover their alleged claims, or

1 Plaintiffs had either actual or constructive knowledge of the facts they contend give rise to their  
2 alleged claims but failed to assert those claims within a reasonable time. Plaintiffs were aware of the  
3 claims they allege and intended to relinquish them. Blue River has suffered prejudice in its ability to  
4 defend this case due to Plaintiffs' failure to assert their alleged claims within a reasonable time.  
5 Plaintiffs are now estopped from asserting their claims now because of such delay and waiver.

## 7 **SEVENTH DEFENSE**

### 8 **(Unclean Hands)**

9 Plaintiffs' and putative class members' claims are barred, in whole or in part, by the doctrine  
10 of unclean hands, to the extent that Plaintiffs and putative class members have engaged in fraud or  
11 willful misconduct related to the subject matter of their claims or were significantly involved in  
12 illegal conduct, including illegal collective price-bargaining, price-fixing or other violations of the  
13 antitrust or unfair competition laws.

## 15 **EIGHTH DEFENSE**

### 16 **(Lack of Damages/Mitigation)**

17 Antitrust plaintiffs have a duty to mitigate their damages. Plaintiffs and putative class  
18 members have no damages or have failed to mitigate damages, if any. Plaintiffs' and putative class  
19 members' alleged damages, if any, were not caused by Blue River.

## 21 **NINTH DEFENSE**

### 22 **(Due Process)**

23 The class action claims are barred, in whole or in part, to the extent that they seek to deprive  
24 Blue River of procedural and substantive safeguards, including, but not limited to, traditional  
25 defenses to liability, or duplicative recovery of alleged overcharges, in violation of the due process  
26 clause of the United States Constitution and analogous provisions of the California Constitution.  
27 This includes that, to the extent Plaintiffs and the proposed class seek relief on behalf of purported  
28 class members who have not suffered any injury or damages, the Second Amended Complaint and

each of its claims for relief therein violate Blue River's rights to due process under the United States Constitution.

### **TENTH DEFENSE**

#### **(Acquiescence)**

Plaintiffs' and putative class members' claims are barred, in whole or in part, by the Plaintiffs' knowing acquiescence to the restraints of trade alleged in the Amended Complaint. Plaintiffs' claims are based on the allegation that Defendants delayed in offering a season opening price. Among other things, Plaintiffs and putative class members acquiesced in that alleged conduct, and their claims are barred, because Plaintiffs chose to remain in port, rather than exercise the option to fish on open ticket.

### **PRAYER FOR RELIEF**

WHEREFORE, Blue River prays for relief as follows:

1. That the Court award Blue River judgment in its favor on all of Plaintiffs' claims and dismiss this action with prejudice.
2. That the Court award Blue River all other and further relief deemed just and reasonable.

### **DEMAND FOR JURY TRIAL**

Blue River demands a jury trial on all issues so triable.

Dated: February 21, 2025

ILLOVSKY GATES & CALIA LLP  
SEAN GATES  
EVA SCHUELLER

/s/ Sean P. Gates  
Sean P. Gates

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